

1 JUDGE FRANKLIN D. BURGESS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR05-5540FDB
9 Plaintiff,)
10 vs.) ORDER GRANTING MOTION TO
11) CONTINUE TRIAL DATE
12 GENARO LOPEZ-PERETE,)
13 Defendant.)
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Based on the unopposed motion of the defendant to continue the trial date, and the reasons set forth in the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

- 17 1. The ends of justice served by granting this continuance outweigh the best
18 interests of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(8)(A).
- 19 2. Proceeding to trial absent adequate time for the defense to prepare would
20 result in a miscarriage of justice, 18 U.S.C. §3161(h)(8)(B)(I).
- 21 3. The defense needs additional time to explore issues of some complexity,
22 including all relevant issues and defenses applicable to the case, which would make it
23 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself
24 within the time limits established by the Speedy Trial Act and currently set for this case,
25 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense, 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from September 26,
6 2005 to November 28, 2005, at 9:00 am. The resulting period of delay from the current
7 trial date of September 26, 2005, up to and including the new trial date of November 28,
8 2005, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and
9 (B).

10 The Pretrial conference shall be on November 17, 2005, at 1:30 pm.

11 DONE this 13th day of September, 2005.



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15 FRANKLIN D. BURGESS
16 UNITED STATES DISTRICT JUDGE
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19 Presented By:

20 /s/ Russell V. Leonard
21 Russell V. Leonard
22 Attorney for Defendant

23 /s/ Michael Dion
24 Michael Dion
25 United States Attorney